IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3746 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3343/2007
CMP.3374/2007 of J.M.F.C.-III,NEYYATTINKARA
CRIME NO.193 OF 2007 OF BALARAMAPURAM POLICE STATION

.....

: PETITIONER/ACCUSED:

SUNIL KUMAR @ SURESH, AGED 21,
S/O. SREEKUMAR, VADAKKEKARA THERIVILA PUTHEN VEEDU
KOZHODU, ANTHIYOOR DESOM, KOTTAKKAL VILLAGE.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007 ALONG WITH BA NO.3763/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.Nos.3746 & 3763 of 2007

Dated this the 21st day of June 2007

O R D E R

These petitions for regular bail have been filed by the same accused persons and they are hence taken up together for disposal. The learned counsel for the petitioner submits that the petitioner was actually taken into custody on suspicion of having committed theft of iron rods, a week prior to 18/5/2007. He was kept in custody without production before any court and the local people made a hue and cry about the injustice meted out by the police. Thereupon, he was shown as arrested in Crime No.193/2007 under Section 401 I.P.C alleging that he was found under suspicious circumstances with certain implements in house breaking. While he was so in custody from 18/5/2007, he has been implicated in another crime relating to snatching of a gold chain registered much earlier. His formal arrest in the later crime has been recorded on 23/5/2007. He, thus, continues in custody from 18/5/2007 involved in both these cases. The petitioner's application for regular bail has earlier been rejected by this court. The learned counsel for the petitioner submits that a period exceeding one month having elapsed from the date of his arrest, the petitioner may now be enlarged on bail in both cases.

2. The learned Public Prosecutor opposes the application. The allegation is serious. Investigation is not complete. On the confession statement made by the accused, the stolen property in crime No.182/2007 has been recovered also. In these circumstances, the petitioner may not be enlarged on bail at this early stage, submits the learned Public Prosecutor.

3. I have considered all the relevant inputs. In the facts and circumstances of this case, I am satisfied that there is merit in the opposition by the learned Public Prosecutor. The police in such a case are certainly entitled to more time to complete the investigation before the question of release of the petitioner is concerned.

4. In the result, these petitions are dismissed. I may hasten to observe that it shall be open to the petitioner to move this court again at later stage of the investigation, not, at any rate, prior to 5/7/2007. The police shall, in the meantime, make every endeavour to complete the investigation in both cases and place all the relevant facts.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007